

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ALAN B. MARCUS, *et al.***

**v.**

**J.C. PENNEY COMPANY, INC., *et al.***

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**CIVIL ACTION NO. 6:13cv736  
LEAD CASE**

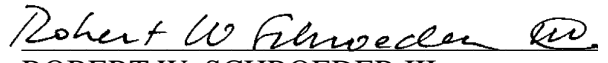
**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of Plaintiffs' Motion and Memorandum of Law in Support of Final Approval of Settlement and Approval of Plan of Allocation (Docket No. 165) and Lead Counsel's Motion and Memorandum of Law in Support of an Award of Attorneys' Fees and Expenses and Awards to Plaintiffs Pursuant to 15 U.S.C. § 78u-4(a)(4) (Docket No. 166) has been presented for consideration. The Report (Docket No. 176) recommends that the motions be granted and that the Court enter the Final Judgment and Order of Dismissal with Prejudice, the Order Approving Plan of Allocation and the Order Awarding Attorneys' Fees and Expenses and Awards to Plaintiffs Pursuant to 15 U.S.C. § 78u-4(a)(4) submitted by the Lead Plaintiff. No objections have been filed. The Court agrees with the Magistrate Judge that the settlement, plan of allocation and request for attorneys' fees should be approved. Accordingly, the Court hereby **ADOPTS** the Report as the opinion of the Court. It is therefore

**ORDERED** that Plaintiffs' Motion and Memorandum of Law in Support of Final

Approval of Settlement and Approval of Plan of Allocation (Docket No. 165) and Lead Counsel's Motion and Memorandum of Law in Support of an Award of Attorneys' Fees and Expenses and Awards to Plaintiffs Pursuant to 15 U.S.C. § 78u-4(a)(4) (Docket No. 166) are **GRANTED**. The Court will enter the Final Judgment and Order of Dismissal with Prejudice, Order Approving Plan of Allocation and Order Awarding Attorneys' Fees and Expenses and Awards to Plaintiffs Pursuant to 15 U.S.C. § 78u-4(a)(4) separately.

**So ORDERED and SIGNED this 4th day of January, 2018.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE